

Bill No. 18-04
Concerning: Personnel—Retirement—
Police
Revised: _____ Draft No. 1
Introduced: June 22, 2004
Enacted: July 27, 2004
Executive: August 9, 2004
Effective: November 8, 2004
Sunset Date: None
Ch. 17, Laws of Mont. Co. 2004

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN ACT to:

- (1) allow members of the Police bargaining unit to elect trial retirement and return to a position in the Department of Police at an equivalent salary and grade when such a position becomes available;
- (2) delete the provision that states that an employee who returns from trial retirement must be assigned to the Office of Personnel if the same or equivalent position is not immediately available;
- (3) allow members of the Police bargaining unit to transfer to the retirement savings plan after earning the maximum retirement benefit under the optional or integrated plan; and
- (2) generally amend the law regarding retirement for members of the Police bargaining unit.

By amending

Montgomery County Code
Chapter 33, Personnel and Human Resources
Sections 33-37, 33-38, and 33-115

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

- 54 (B) an elected official;
- 55 [(c)]
- 56 (C) a non-merit appointed official;
- 57 [(d)]
- 58 (D) a member covered under a collective bargaining
- 59 agreement, except for a member of the Police Bargaining
- 60 Unit;
- 61 [(e)]
- 62 (E) a non-County Government employee; or
- 63 [(f)]
- 64 (F) a member who participates in a retirement incentive
- 65 program.

* * *

- 67 (6) (A) [When] After the member notifies the Chief
- 68 Administrative Officer [is notified] that the member
- 69 intends to return to County service, the Chief
- 70 Administrative Officer must return the member to:
 - 71 (i) the position the member held before retirement, if
 - 72 it is still available[, or];
 - 73 (ii) [to] a position with an equivalent salary and grade
 - 74 in the same or another office of the County
 - 75 government; or
 - 76 (iii) if the member was a member of the Police
 - 77 Bargaining Unit, to a position in the Department of
 - 78 Police with an equivalent salary and grade, when
 - 79 such a position becomes available.

80 [(B) If the same or an equivalent position is not immediately
81 available, the Chief Administrative Officer must
82 temporarily assign the member to a special projects
83 office in the office of personnel. An employee assigned
84 to the special projects office must be available for detail
85 assignment to any position within the County
86 government while awaiting permanent reassignment.]

87 [(C)]

88 (B) The member may accept a position with a lower salary or
89 grade, but is not required to do so.

90 [(D)]

91 (C) If the member does not accept an offer of the position
92 that the member held before retirement or a position with
93 an equivalent salary and grade, the member is considered
94 to have permanently retired.

95 * * *

96 **33-115. Participant requirements and participant groups.**

97 (a) *Participant Requirements.*

98 * * *

99 (5) If a person transfers under paragraphs [(2)] (3) or [(3)] (4) to the
100 retirement savings plan, all funds in the State of Maryland
101 Retirement or Pension Systems attributable to the participation
102 of the person must be transferred directly from the Board of
103 Trustees of the State Retirement or Pension Systems to the
104 Board.

105 * * *

106 (b) *Participants groups and eligibility.*

107 * * *

108 (2) *Group II.*

109 (A) Except as provided in the last sentence of Section 33-
110 37(e)(2), any full-time or career part-time employee must
111 participate in the retirement savings plan if the employee
112 begins, or returns to, County service on or after October
113 1, 1994; and

- 114 [(A)] (i) (a) is not represented by an employee organization;
- 115 [(ii)] (b) does not occupy a bargaining unit position; and
- 116 [(iii)] (c) is a public safety employee; or

- 117 [(B)] (i)
- 118 [(ii)] (a) is a public safety employee; and
- 119 [(ii)] (b) is subject to the terms of a collective bargaining
120 agreement between the County and an employee
121 organization which requires the employee to
122 participate in the retirement savings plan.

123 (B) A member of the Police Bargaining Unit may transfer to
124 Group II of the retirement savings plan if the employee
125 has accumulated enough credited service to obtain the
126 maximum retirement benefit under the optional or
127 integrated plan.

128 * * *

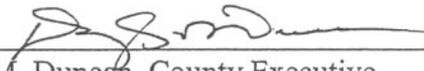
129 *Approved:*

130 

Steven A. Silverman, President, County Council

1/30/04
Date

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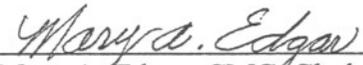
Douglas M. Duncan, County Executive



Date

132 *This is a correct copy of Council action.*

133



Mary A. Edgar, CMC, Clerk of the Council



Date

